

RECEIVED
CENTRAL FAX CENTER

001/025

AUG 18 2006

3040 Post Oak Blvd, Suite 1500
Houston, TX 77056-6582
TEL 713.623.4844
FAX 713.623.4846

**PATTERSON &
SHERIDAN, LLP**
ATTORNEYS AT LAW

FACSIMILE COVER SHEET

DATE: August 18, 2006
FILE NO: ROC920010064US1 (IBMK10064)
TO: MAIL STOP APPEAL BRIEF - PATENTS
Examiner Andrew J. Fischer
FAX NO: 1-571-273-8300
FROM: Gero G. McClellan / pdm
PAGE(S) with cover: 25

RE:

TITLE: Systems and Methods for Operating Vending Machines
U.S. SERIAL NO.: 09/848,573
FILING DATE: May 3, 2001
INVENTOR(S): Cary Lee Bates et al.
EXAMINER: Andrew J. Fischer
GROUP ART UNIT: 3627
CONFIRMATION NO.: 6829

Attached are the following document(s) for the above-referenced application:

1. Appeal Brief

CONFIDENTIALITY NOTE

The document accompanying this facsimile transmission contains information from the law firm of Patterson & Sheridan, L.L.P. which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

AUG 18 2006

PATENT
Atty. Dkt. No. ROC920010064US1
PS Ref. No.: IBMK10064IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCESIn re Application of:
Cary Lee Bates et al.

Serial No.: 09/848,573

Confirmation No.: 6829

Filed: May 3, 2001

For: Systems and Methods for
Operating Vending Machines

Group Art Unit: 3627

Examiner: Andrew J. Fischer

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office to fax number 571-273-8300 to the attention of Examiner Andrew J. Fischer, on the date shown below:

August 18, 2006
Date
David Magness

Dear Sir:

APPEAL BRIEF

Applicants submit this Appeal Brief to the Board of Patent Appeals and Interferences on appeal from the decision of the Examiner of Group Art Unit 3627 dated April 20, 2006, finally rejecting claims 1-7, 10, 13-15, 17, 18, 23, 24, 26, 28, 29, 31, 33 and 34. The final rejection of claims 1-7, 10, 13-15, 17, 18, 23, 24, 26, 28, 29, 31, 33 and 34 is appealed. This Appeal Brief is believed to be timely since facsimile transmitted by the due date of August 20, 2006, as set by mailing of a Notice of Appeal on June 20, 2006. Please charge the fee of \$500.00 for filing this brief to Deposit Account No. 09-0465/ROC920010064US1.

08/21/2006 MBINAS 00000036 090465 09848573

01 FC:1402 500.00 DA

477265_1

Page 1

PATENT
Atty. Dkt. No. ROC920010064US1
PS Ref. No.: IBMK10064

TABLE OF CONTENTS

1.	Identification Page.....	1
2.	Table of Contents	2
3.	Real Party in Interest	3
4.	Related Appeals and Interferences	4
5.	Status of Claims	5
6.	Status of Amendments	6
7.	Summary of Claimed Subject Matter	7
8.	Grounds of Rejection to be Reviewed on Appeal	10
9.	Arguments	11
10.	Conclusion	17
11.	Claims Appendix	18
12.	Evidence Appendix	23
13.	Related Proceedings Appendix	24

PATENT
Atty. Dkt. No. ROC920010064US1
PS Ref. No.: IBMK10064

Real Party in Interest

The present application has been assigned to International Business Machines Corporation, Armonk, New York.

PATENT
Atty. Dkt. No. ROC920010064US1
PS Ref. No.: IBMK10064

Related Appeals and Interferences

Applicant asserts that no other appeals or interferences are known to the Applicant, the Applicant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

RECEIVED
CENTRAL FAX CENTER

006/025

AUG 18 2006

PATENT
Atty. Dkt. No. ROC920010064US1
PS Ref. No.: IBMK10064

Status of Claims

Claims 1-7, 10, 13-15, 17, 18, 23, 24, 26, 28, 29, 31, 33 and 34 are pending in the application. Claims 1-48 were originally presented in the application. New claims 49 and 50 were previously introduced. Claims 8-9, 11-12, 16, 19-22, 25, 27, 30, 32 and 35-50 have been canceled without prejudice. Claims 1-7, 10, 13-15, 17, 18, 23, 24, 26, 28, 29, 31, 33 and 34 stand finally rejected as discussed below. The final rejections of claims 1-7, 10, 13-15, 17, 18, 23, 24, 26, 28, 29, 31, 33 and 34 are appealed. The pending claims are shown in the attached Claims Appendix.

AUG 18 2006

PATENT
Atty. Dkt. No. ROC920010064US1
PS Ref. No.: IBMK10064

Status of Amendments

All claim amendments have been entered by the Examiner. No amendments to the claims were proposed after the final rejection.

PATENT
Atty. Dkt. No. ROC920010054US1
PS Ref. No.: IBMK10064

Summary of Claimed Subject Matter

Claimed embodiments of the invention provide for methods, apparatus and articles of manufacture which locate an item in a network of vending machines. One embodiment of the invention (see, e.g., Claim 1) provides a method of locating an item in a network of vending machines. See, e.g., Pg. 3, Para. 0008; Pg. 7, Para. 0041; Pg. 11, Para. 0052; Figure 1, Items 100, 103, 104₁, 104₂, 104_N; Figure 6, Item 600. The method includes receiving, at a vending machine in the network of vending machines, a purchase order for the item, the vending machine being configured to dispense at least one type of item when stocked with the at least one item. See, e.g., Pg. 7, Para. 0041; Pg. 11, Para. 0055; Figure 1, Items 100, 103, 104₁, 104₂, 104_N; Figure 6, Item 610. The method further includes, in response to receiving the purchase order, transmitting a request for the item via a network connection established through a network interface of the vending machine. See, e.g., Pg. 7, Para. 0041; Pg. 11, Para. 0056; Figure 1, Items 100, 103, 104₁, 104₂, 104_N; Figure 6, Item 616. The method also includes, receiving, at the vending machine, a response to the request indicative of whether the item is available at at least one other vending machine configured to dispense the item when stocked with the item. See, e.g., Pg. 7, Para. 0041; Pg. 12, Para. 0057; Figure 1, Items 100, 103, 104₁, 104₂, 104_N; Figure 6, Items 620, 622, 624, 626. A user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending machine. See, e.g., Pg. 7, Para. 0041; Pg. 11, Para. 0055; Pg. 12, Para. 0057; Figure 1, Items 100, 103, 104₁, 104₂, 104_N; Figure 6, Items 610, 614, 612.

One embodiment of the invention (see, e.g., Claim 17) also provides a method of locating an item in a network of vending machines. See, e.g., Pg. 3, Para. 0008; Pg. 7, Para. 0041; Pg. 11, Para. 0052; Figure 2, Items 200, 103, 104₁, 104₂, 104_N; Figure 6, Item 600. The method includes receiving, at a vending machine in the network of vending machines, a purchase order for the item, the vending machine being configured to dispense at least one type of item when stocked with the at least one item. See, e.g., Pg. 7, Para. 0041; Pg. 11, Para. 0055; Figure 2, Items 200, 103, 104₁, 104₂, 104_N; Figure 6, Item 610. In response to receiving the purchase order, a request for the item

is transmitted to a control system configured to process item requests for a plurality of vending machines of the network of vending machines. See, e.g., Pg. 7, Para. 0041; Pg. 9, Para. 0045; Pg. 11, Para. 0056; Figure 2, Items 200, 202, 103, 104₁, 104₂, 104_N; Figure 6, Item 616. The request is transmitted via a network connection established through a network interface of the vending machine. See, e.g., Pg. 7, Para. 0041; Pg. 11, Para. 0056; Figure 2, Items 200, 103, 104₁, 104₂, 104_N; Figure 6, Item 616. The method also includes receiving, at the vending machine, a response to the request indicative of whether the item is available at at least one other vending machine configured to dispense the item when stocked with the item. See, e.g., Pg. 7, Para. 0041; Pg. 12, Para. 0057; Figure 1, Items 100, 103, 104₁, 104₂, 104_N; Figure 6, Items 620, 622, 624, 626. A user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending machine. See, e.g., Pg. 7, Para. 0041; Pg. 11, Para. 0055; Pg. 12, Para. 0057; Figure 1, Items 100, 103, 104₁, 104₂, 104_N; Figure 6, Items 610, 614, 612.

Another embodiment of the invention (see, e.g., Claim 23) provides a machine-readable program product including a computer readable medium and a program contained on the computer readable medium which, when read from the computer readable medium and executed by a processor located in a vending machine in a network of vending machines, performs an operation. See, e.g., Pgs. 6-7, Paras. 0039-0041; Figure 1, Items 100, 103, 104₁, 104₂, 104_N; Figure 6, Item 600. The operation includes receiving a purchase order for the item at the vending machine. See, e.g., Pg. 7, Para. 0041; Pg. 11, Para. 0055; Figure 1, Items 100, 103, 104₁, 104₂, 104_N; Figure 6, Item 610. The vending machine is configured to dispense at least one type of item when stocked with the at least one item. See *id.* In response to receiving the purchase order a request for the item is transmitted via a network connection established through a network interface of the vending machine. See, e.g., Pg. 7, Para. 0041; Pg. 11, Para. 0056; Figure 1, Items 100, 103, 104₁, 104₂, 104_N; Figure 6, Item 616. The operation also includes receiving, at the vending machine, a response to the request indicative of whether the item is available at at least one other vending machine configured to dispense the item when stocked with the item. See, e.g., Pg. 7, Para. 0041; Pg. 12,

PATENT
Atty. Dkt. No. ROC920010064US1
PS Ref. No.: IBMK10064

Para. 0057; Figure 1, Items 100, 103, 104₁, 104₂, 104_N; Figure 6, Items 620, 622, 624, 626. A user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending machine. See, e.g., Pg. 7, Para. 0041; Pg. 11, Para. 0055; Pg. 12, Para. 0057; Figure 1, Items 100, 103, 104₁, 104₂, 104_N; Figure 6, Items 610, 614, 612.

PATENT
Atty. Dkt. No. ROC920010064US1
PS Ref. No.: IBMK10064

Grounds of Rejection to be Reviewed on Appeal

1. Claims 1-7, 10, 13-15, 17, 18, 23, 24, 26, 28, 29, 31, 33 and 34 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Baric* (U.S. Pat. No. 6,527,176 B2 (hereinafter *Baric*)).

2. Claims 1-7, 10, 13-15, 17, 18, 23, 24, 26, 28, 29, 31, 33 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Baric* in view of *Peters* (U.S. Pat. No. 5,769,269 (hereinafter *Peters*)).

AUG 18 2006

PATENT
Atty. Dkt. No. ROC920010064US1
PS Ref. No.: IBMK10064**ARGUMENTS**

Anticipation of Claims 1-7, 10, 13-15, 17, 18, 23, 24, 26, 28, 29, 31, 33 and 34 by *Baric*.

The Applicable Law

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Overview of Applicants' Argument

In this case, *Baric* does not disclose "each and every element as set forth in the claim". For example, *Baric* does not disclose "receiving, at a vending machine in the network of vending machines, a purchase order for the item, the vending machine being configured to dispense at least one type of item when stocked with the at least one item" and "receiving, at the vending machine, a response to the request indicative of whether the item is available at at least one other vending machine configured to dispense the item when stocked with the item, whereby a user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending machine", as described in detail below.

The Cited Reference

Baric describes a collective payment and control system that has a variety of self-service devices that dispense different types of goods. See *Baric*, Abstract; Col. 1 Line 6 to Col. 2 line 2. The system includes a primary dispenser comprising a self-service fuel pump and a secondary dispenser comprising a self-service vending

PATENT
Atty. Dkt. No. ROC920010084US1
PS Ref. No.: IBMK10064

machine. *Baric*, Col. 2, Lines 1-4. The primary dispenser is typically associated with large-valued goods and is likely to be the dispenser most frequently used in the system. *Baric*, Col. 2, Lines 5-7. The secondary dispenser usually dispenses small-valued goods. The cost for selected products are totaled by the processor of the primary dispenser and a single payment transaction is made. *Baric*, Col. 2, Lines 25-28.

Baric states that any primary dispenser can operate with any secondary dispenser, and that in the preferred embodiment, the primary dispenser is a fuel pump and the secondary dispenser is a vending machine. *Baric*, Col. 3, Lines 51-56. *Baric* also states that product from the secondary dispenser can be selected from the display of the primary dispenser. *Baric*, Col. 5, Lines 5-10. The secondary dispenser can only be activated by one primary dispenser at a time. *Baric*, Col. 5, Lines 11-12. Alternatively, product from the secondary dispenser can be selected directly from the secondary dispenser. *Baric*, Col. 5, Lines 5-10.

The Examiner's Rejection

The Examiner argues that *Baric* discloses the claimed subject matter at Col. 7, Lines 18-21. See *Final Office Action dated April 20, 2006* (hereinafter *Final Office Action*), Pg. 6, Item 6. The cited section merely states that the invention in *Baric* can incorporate dispensers into a single machine that dispenses different product, such as a fuel dispenser that also dispenses vending machine items. As described below, *Baric* does not disclose "each and every element as set forth in the claim."

Applicants' Response to the Examiner's Rejection

First, *Baric* does not describe "receiving, at a vending machine in the network of vending machines, a purchase order for the item, *the vending machine being configured to dispense at least one type of item when stocked with the at least one item*" and "receiving, at the vending machine, a response to the request indicative of whether the item is available at *at least one other vending machine configured to dispense the item when stocked with the item*, whereby a user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending

PATENT
Atty. Dkt. No. ROC920010064US1
PS Ref. No.: IBMK10064

machine" because in *Baric*, different types of products are dispensed by the primary dispenser and the secondary dispenser, respectively, as described below.

Baric only teaches that a primary dispenser (e.g., a fuel pump) may be used to access a secondary dispenser. See *Baric*, Col. 5, Lines 5-10. A secondary dispenser cannot be used to access another secondary dispenser (thus the designation, "secondary"). See *Baric*, Col. 5, Lines 5-10. As described above, the primary dispenser and the secondary dispenser dispense different items (e.g., the primary dispenser dispenses fuel and the secondary dispenser dispenses vending machine items). *Baric*, Col. 2, Lines 1-7.

In contrast, the pending claims, as indicated by the italicized text, describe that both vending machines (the vending machine receiving the response and the other vending machine) be configured to dispense *the same item*. Therefore, *Baric* does not describe "receiving, at a vending machine in the network of vending machines, a purchase order for the item, *the vending machine being configured to dispense at least one type of item when stocked with the at least one item*" and "receiving, at the vending machine, a response to the request indicative of whether the item is available at *at least one other vending machine configured to dispense the item when stocked with the item*, whereby a user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending machine". Therefore, withdrawal of the rejection is respectfully requested.

Second, *Baric* does not describe "receiving, at the vending machine, a response to the request indicative of whether the item is available at at least one other vending machine configured to dispense the item when stocked with the item, whereby a user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending machine" because in *Baric*, the primary dispenser is not a vending machine.

As described above, in *Baric*, only a primary dispenser is described as being used to access a secondary dispenser. See *Baric*, Col. 5, Lines 5-10. No secondary dispenser is used to access another secondary dispenser (thus, the designation "secondary"). See *Baric*, Col. 5, Lines 5-10. Also, the primary is described in *Baric* as being a fuel pump and not a vending machine. *Baric*, Col. 2, Lines 1-7. Thus, *Baric*

PATENT
Atty. Dkt. No. ROC920010064US1
PS Ref. No.: IBMK10064

does not describe a vending machine receiving a response, because the primary dispenser is not a vending machine. *Id.* Accordingly, *Baric* does not describe "receiving, at the *vending machine*, a response to the request indicative of whether the item is available at at least one other vending machine configured to dispense the item when stocked with the item, whereby a user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending machine". Therefore, withdrawal of the rejection is respectfully requested.

The Examiner cites *Baric* at Col. 7, Lines 18-21; stating that the cited section discloses receiving at a vending machine a purchase order for the item. *See Final Office Action*, Pg. 6, Item 6. However, the pending claims describe "in response to receiving the purchase order, *transmitting a request for the item via a network connection established through a network interface of the vending machine*" and "receiving, at the vending machine, a response to the request indicative of whether the item is available at at least one other vending machine configured to dispense the item when stocked with the item, whereby a user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending machine".

In contrast, the cited section states that the dispensers can be incorporated into a single machine that dispenses different product. *Baric*, Col. 7, Lines 18-21. Thus, the cited section describes "a fuel dispenser that also dispenses vending machine items". *Baric*, Col. 7, Lines 18-21. Where the dispensers are incorporated into a single machine, no network interface is utilized to transmit a request for any item because each of the dispensers is located in the same machine which need not communicate with itself via a network. *See id.* Accordingly, *Baric* does not describe "in response to receiving the purchase order, transmitting a request for the item via a network connection established through a network interface of the vending machine" and "receiving, at the vending machine, a response to the request indicative of whether the item is available at at least one other vending machine configured to dispense the item when stocked with the item, whereby a user can retrieve the item at the at least one

PATENT
Atty. Dkt. No. ROC920010064US1
PS Ref. No.: IBMK10064

other vending machine when the item is available at the at least one other vending machine". Therefore, withdrawal of the rejection is respectfully requested.

The Examiner's Response to Applicants' Arguments

In response to Applicants' argument that *Baric* does not disclose "receiving, at the vending machine in the network of vending machines, a purchase order", the Examiner disagrees, stating that, under the broadest reasonable interpretation, the secondary dispenser receives the electronic purchase order (an order that the customer is purchasing items) from the primary dispenser and that the primary dispenser sends the order to the secondary dispenser. The Examiner also states that under the broadest reasonable interpretation, the primary dispenser is also a "vending machine."

First, as described above, *Baric* refers to the primary dispenser as a fuel pump, while referring to the secondary dispenser as a vending machine. *Baric*, Col. 2, Lines 1-7. Also, as described above, the primary dispenser and the secondary dispenser dispense different items (e.g., the primary dispenser dispenses fuel and the secondary dispenser dispenses vending machine items). *Baric*, Col. 2, Lines 1-7. Thus, *Baric* does not describe "receiving, at a vending machine in the network of vending machines, a purchase order for the item, *the vending machine being configured to dispense at least one type of item when stocked with the at least one item*" and "receiving, at the vending machine, a response to the request indicative of whether the item is available at at least one other vending machine configured to dispense the item when stocked with the item, whereby a user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending machine".

In response to Applicants' argument that *Baric* does not disclose "in response to receiving the purchase order, *transmitting a request for the item via a network connection established through a network interface of the vending machine*" and "receiving, at the vending machine, a response to the request indicative of whether the item is available at at least one other vending machine configured to dispense the item when stocked with the item, whereby a user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending machine

PATENT
Atty. Dkt. No. ROC920010084US1
PS Ref. No.: IBMK10064

machine", the Examiner disagrees and states that "*Baric* directly teaches checking if a vend item is available for purchase because *Baric* discloses the inventory of a dispenser is updated and the status of that dispenser is also transmitted to a controller". *Final Office Action*, Pg. 5, Item 12.

However, Applicants argument, as stated above, is that where the primary and secondary dispensers are incorporated into a single machine, as stated in the section of *Baric* cited by the Examiner, no network interface is utilized to transmit a request for any item because each of the dispensers is located in the same machine which need not communicate with itself via a network. *Baric*, Col. 2, Lines 1-7. Accordingly, *Baric* does not teach the claimed subject matter.

Obviousness of Claims 1-7, 10, 13-15, 17, 18, 23, 24, 26, 28, 29, 31, 33 and 34 over *Baric* in view of *Peters*.

Claims 1-7, 10, 13-15, 17, 18, 23, 24, 26, 28, 29, 31, 33 and 34 are alternatively rejected under 35 U.S.C. §103(a) as being unpatentable over *Baric* in view of *Peters* (U.S. 5,769,269) and *Walker et al.* (U.S. 6,397,193 B1) (hereinafter "*Walker '193*"). In making the Sec. 103 rejection, the Examiner incorporates the rejection of the claims with respect to *Baric*. See *Final Office Action*, Pg. 6, Item 8. However, Applicants submit that the rejection with respect to *Baric* has been overcome, as described above. For example, the cited references, alone or in combination, do not teach disclose "receiving, at a vending machine in the network of vending machines, a purchase order for the item, the vending machine being configured to dispense at least one type of item when stocked with the at least one item" and "receiving, at the vending machine, a response to the request indicative of whether the item is available at at least one other vending machine configured to dispense the item when stocked with the item, whereby a user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending machine". Accordingly, withdrawal of the rejection is respectfully requested.

AUG 18 2006

PATENT
Atty. Dkt. No. ROC920010064US1
PS Ref. No.: IBMK10064**CONCLUSION**

Applicants respectfully submit that the Examiner errs in finding that claims 1-7, 10, 13-15, 17, 18, 23, 24, 26, 28, 29, 31, 33 and 34 are unpatentable over *Baric* in view of *Peters* under 35 U.S.C. § 103(a). Furthermore, Applicants respectfully submit that the Examiner errs in finding that claims 1-7, 10, 13-15, 17, 18, 23, 24, 26, 28, 29, 31, 33 and 34 are unpatentable over *Baric* in view of *Peters* under 35 U.S.C. § 103(a). Withdrawal of the rejection and allowance of all claims is respectfully requested.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Gero G. McClellan, Reg. No. 44,227/

Gero G. McClellan
Registration No. 44,227
Patterson & Sheridan, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Appellant(s)

AUG 18 2006

PATENT
Atty. Dkt. No. ROC920010064US1
PS Ref. No.: IBMK10064

CLAIMS APPENDIX

1. (Previously Presented) A method of locating an item in a network of vending machines, comprising:

receiving, at a vending machine in the network of vending machines, a purchase order for the item, the vending machine being configured to dispense at least one type of item when stocked with the at least one item;

in response to receiving the purchase order, transmitting a request for the item via a network connection established through a network interface of the vending machine; and

receiving, at the vending machine, a response to the request indicative of whether the item is available at at least one other vending machine configured to dispense the item when stocked with the item, whereby a user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending machine.

2. (Previously Presented) The method of claim 1, further comprising outputting to the user, from an output device of the vending machine, an indication of the availability of the item at the at least one other vending machine.

3. (Previously Presented) The method of claim 1, wherein the transmitting comprises transmitting the request to the at least one other vending machine.

4. (Previously Presented) The method of claim 1, further comprising prior to transmitting, determining, by the vending machine, the availability of item at the vending machine, and if the item is not available at the vending machine, then transmitting the request.

5. (Previously Presented) The method of claim 1, wherein the receiving the response comprises receiving the response from the at least one other vending machine.

PATENT
Atty. Dkt. No. ROC920010064US1
PS Ref. No.: IBMK10064

6. (Original) The method of claim 1, wherein receiving the response comprises receiving the response from a control system configured to process item requests for a plurality of vending machines of the network of vending machines.

7. (Original) The method of claim 1, further comprising outputting to an output device a message indicating whether the item was located at the at least one other vending machine and, if so, indicating a location of the at least one other vending machine.

8-9. (Canceled)

10. (Original) The method of claim 1, further comprising:
receiving, at the vending machine, a payment amount for the item; and
receiving an electronic refund request for the purchase order.

11-12. (Canceled)

13. (Original) The method of claim 10, further comprising refunding the payment amount if customer information received through the network connection satisfies refund conditions.

14. (Original) The method of claim 13, wherein the refund conditions comprise a threshold number of purchases made by a requestor of the refund.

15. (Previously Presented) The method of claim 1, further comprising:
if the item is available at the at least one other vending machine, determining whether a price adjustment is necessary for the item;
if a price adjustment is determined to be necessary, adjusting a price for the item;
and
displaying the adjusted price to the user.

16. (Canceled)

17. (Previously Presented) A method of locating an item in a network of vending machines, comprising:

receiving, at a vending machine in the network of vending machines, a purchase order for the item, the vending machine being configured to dispense at least one type of item when stocked with the at least one item;

in response to receiving the purchase order, transmitting a request for the item to a control system configured to process item requests for a plurality of vending machines of the network of vending machines, the request being transmitted via a network connection established through a network interface of the vending machine; and

receiving, at the vending machine, a response to the request indicative of whether the item is available at at least one other vending machine configured to dispense the item when stocked with the item, whereby a user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending machine.

18. (Original) The method of claim 17, further comprising, determining, by the control system, whether any of a plurality of vending machines of the network of vending machines has the item.

19-22. (Canceled)

23. (Previously Presented) A machine-readable program product, comprising:
a computer readable medium; and

a program contained on the computer readable medium which, when read from the computer readable medium and executed by a processor located in a vending machine in a network of vending machines, performs an operation, comprising:

PATENT
Atty. Dkt. No. ROC920010084US1
PS Ref. No.: IBMK10064

receiving a purchase order for the item at the vending machine, the vending machine being configured to dispense at least one type of item when stocked with the at least one item;

in response to receiving the purchase order, transmitting a request for the item via a network connection established through a network interface of the vending machine; and

receiving, at the vending machine, a response to the request indicative of whether the item is available at at least one other vending machine configured to dispense the item when stocked with the item, whereby a user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending machine.

24. (Previously Presented) The program product of claim 23, wherein the operation further comprises outputting to the user, from an output device of the vending machine, an indication of the availability of the item at the at least one other vending machine.

25. (Canceled)

26. (Previously Presented) The program product of claim 23, wherein the operation further comprises, prior to transmitting, determining, by the vending machine, the availability of item at the vending machine, and if the item is not available at the vending machine, then transmitting the request.

27. (Canceled)

28. (Previously Presented) The program product of claim 23, wherein receiving the response comprises receiving the response from a control system configured to process item requests for a plurality of vending machines of the network of vending machines.

PATENT
Atty. Dkt. No. ROC920010064US1
PS Ref. No.: IBMK10064

29. (Previously Presented) The program product of claim 23, wherein the operation further comprises outputting to an output device a message indicating whether the item was located at the at least one other vending machine and, if so, indicating a location of the at least one other vending machine.

30. (Canceled)

31. (Previously Presented) The program product of claim 23, wherein the operation further comprises:

if the item is available at the at least one other vending machine, determining whether a price adjustment is necessary for the item;

if a price adjustment is determined to be necessary, adjusting a price for the item;
and

displaying the adjusted price to the user.

32. (Canceled)

33. (Previously Presented) The program product of claim 23, wherein transmitting comprises transmitting the request to a control system configured to process item requests for a plurality of vending machines of the network of vending machines.

34. (Previously Presented) The program product of claim 33, wherein the operation further comprises determining, by the control system, whether any of a plurality of vending machines of the network of vending machines has the item.

35-50. (Canceled)

PATENT
Atty. Dkt. No. ROC920010064US1
PS Ref. No.: IBMK10084

EVIDENCE APPENDIX

None.

PATENT
Atty. Dkt. No. ROC920010064US1
PS Ref. No.: IBMK10064

RELATED PROCEEDINGS APPENDIX

None.